

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

MARK JACQUES (#75560-004)
Plaintiff

CIVIL ACTION NO. 1:17-CV-523-P

VERSUS

CHIEF JUDGE DEE D. DRELL

MEDICAL DEPARTMENT USP
POLLOCK, ET AL.,
Defendants

MAGISTRATE JUDGE PEREZ-MONTES

MEMORANDUM ORDER

Before the Court is a complaint filed by pro se Plaintiff Mark Jacques¹ (“Jacques”) (#75560-004) under the Federal Tort Claims Act and Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics.² Jacques was granted leave to proceed *in forma pauperis*. (Doc. 6). Jacques is an inmate in the custody of the Bureau of Prisons, incarcerated at the United States Penitentiary in Pollock, Louisiana.

Jacques has filed civil actions and appeals in the federal courts, at least three of which were dismissed as frivolous, malicious, or for failing to state a claim for which

¹ On his complaint before the Court, Jacques spells his first name “Mark.” However, according to the Bureau of Prisons, Jacques’s name is “Marc Jacques.” Additionally, all of Jacques prior civil actions filed in the federal courts indicate Jacques’s first name is “Marc,” rather than “Mark.”

² In Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), the Supreme Court recognized that certain circumstances may give rise to a private cause of action against federal officials that is comparable to the statutory cause of action permitted against state officials by 42 U.S.C. § 1983.

relief can be granted.³ This Court previously denied Jacques leave to proceed *in forma pauperis* based on 28 U.S.C. § 1915(g). (1:15-cv-1838; Doc. 8).

A prisoner shall not be granted pauper status under § 1915(g) if “the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

Jacques complains about the medical care he received for glaucoma. Jacques does not allege facts that show he is in “imminent danger of serious physical injury.” Because Jacques has, on three or more prior occasions, while incarcerated or detained in a facility, brought an action or appeal that was dismissed as frivolous, malicious, or for failing to state a claim upon which relief may be granted, and because he is not in imminent danger of serious physical injury, Jacques is not entitled to proceed *in forma pauperis*.

THEREFORE, the Order granting Jacques’s application to proceed *in forma pauperis* (Doc. 6) is hereby REVOKED and RESCINDED;

IT IS FURTHER ORDERED that, in order for this complaint to remain viable, Jacques must pay the full filing fee of four hundred dollars (\$400.00) within twenty

³ Marc Jacques v. BOP, 5:14-cv-26 (M.D. Fla.); appeal dismissed as frivolous #14-15775 (11th Cir.); Marc Jacques v. U.S. Sentencing Commission, 1:15-cv-1216 (W.D. La.).

(20) days from the date of this order. **FAILURE TO PAY THE FULL FILING FEE**
WILL RESULT IN THE PLEADINGS BEING STRICKEN FROM THE RECORD.

THUS DONE AND SIGNED in chambers in Alexandria, Louisiana, this 14th day of June, 2017.



Joseph H.L. Perez-Montes
United States Magistrate Judge